

Panaji, 30th July, 1981 (Sravana 8, 1903)

SERIES II No. 18



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

No. 3/16/81-PER

The following notification from the Government of India, Ministry of Home Affairs is hereby published for information.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 22nd July, 1981.

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, the 8th July, 1981

Notification

No. U 14020/16/81-UTS(i)

Shri J. C. Almeida, IAS (Union territories), relinquished the charge of the office of the Chief Secretary, Government of Goa, Daman and Diu in the afternoon of 9th June, 1981.

No. U 14020/16/81-UTS(ii)

Shri K. C. Johorey, IAS (Union territories), is appointed as the Chief Secretary, Government of Goa, Daman and Diu, with effect from the afternoon of 9th June, 1981, until further orders.

Sd/-

(A. N. KHALE)
Desk Officer

Works, Education and Tourism Department

Order

No. 12/2/77-WET-Vol. II

Shri A. R. Naik, Lecturer in Mechanical Engineering in College of Engineering, Goa is hereby temporarily appointed as Assistant Professor in Mechanical Engineering in the same College with effect from 7-7-1981 (F.N.) on an initial pay of Rs. 1100/- per month in the pay scale of Rs. 1100-50-1600, plus the usual allowances admissible from time to time, against the post fallen vacant due to promotion of Shri R. L. Shanbhag, Assistant Professor to the post of Professor.

The appointment is subject to the conditions specified in the office Memorandum of even number dated 20-6-1981 and the rules and regulations laid down by Government from time to time.

The appointment is freely on ad hoc basis and will not bestow on him any claim for regular appointment, promotion to a higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month's salary in lieu of notice.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Works, Education and Tourism).

Panaji, 24th July, 1981.



Local Administration and Welfare Department

Order

No. F-16-2-69-GHE

Read:— Government Order of even number dated 19/8/1980.

In exercise of the powers conferred by sub-section (2) of section 12 of the Goa, Daman and Diu Housing Board Act, 1968 the Administrator of Goa, Daman and Diu is hereby pleased to extend the term of deputation of Shri U. D. Kamat as Secretary, Goa, Daman and Diu Housing Board for one more year with effect from 10th June, 1981 on the existing terms and conditions notified under Government order of even number dated 19/8/80.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 13th July, 1981.

Revenue Department

Notification

No. 22/39/80-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For augmentation of Raw Water Supply Scheme to Assonora Treatment Plant at Bordem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the

said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector

(Land Acquisition Officer) Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Dy. Collector (Land Acquisition Officer) Panaji.
3. The Executive Engineer Works Division XVII P.W.D. Panaji.
4. The Superintending Engineer V. P. W. D. Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (Land Acquisition Officer) Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Sub-Div.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Bicholim	Bordem	15/Part	138	Anita Adelina Fernandes Piedade Souza.	150.00
					Total	150.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 22nd July, 1981.

Notification

No. 22/132/80-RD

Whereas by Government Notification No. 22/132/80-RD dated 9-12-1980 published on page 593 of Series II, No. 39 of the Official Gazette, dated 26-12-80 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for extension of Carpentry Centre at Poinguim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector, South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector South Goa, Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Canacona	Loliem	—	42 (3 Part)	Shri Pandurang Vithal Prabhu Agrasani.	515.00
	— do —	— do —	—	42 (4 Part)	Shri Vithal Gokul Pednekar.	3885.00
<i>Boundaries:</i>						
West: Road. South: S. No. 42/3, 42/4 & 42/5. East: S. No. 42/3. West: S. No. 42/5 and 42/5.						
					Total	4400.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 26th June, 1981.

Notification

No. 22/56/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of approach road to Dramapur Bridge (Part II).

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P. W. D. (Cell), Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P. W. D. (Cell), Panaji.
3. The Executive Engineer, Works Division XV (NH) Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P. W. D. (Cell), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Dramapur	140	56	H: Manual Alfonso.	75.00
				57	H: Conceicao Alfonso.	450.00
				61	H: Comunidade. T: Laurencio Alfonso.	54.00
				62	H: Comuhidade of Dramapur. T: Salvasai Lacordo.	45.00
				64	H: Comunidade of Dramapur. T: Ramero Alfonso.	24.00
				16	H: Comunidade of Dramapur.	60.00
				69	H: Comunidade of Dramapur. T: Ramera Alfonso.	88.00
				71	H: Comunidade of Dramapur. T: Salvasao Lacerdo.	50.00
				74	H: Comunidade of Dramapur. T: Cristalina Rodrigues.	14.00
				75	H: Comunidade of Dramapur. T: Dumelina Ferrao.	56.00
				78	H: Comunidade of Dramapur. T: Dumelina Ferrao.	20.00
				79	H: Comunidade of Dramapur. T: Cristalina Rodrigues.	90.00
				82	H: Comunidade of Dramapur. T: Maria Eulanta Mendoza.	22.00
				83	H: Comunidade of Dramapur. T: Salvasao Lacordo.	99.00
				84	H: Comunidade of Dramapur. T: Antonio Alfonso.	80.00
				44	H: Comunidade of Dramapur. T: Teoflina Pereira.	42.00
			137	1	H: Josephina Corria. T: Dias.	48.00
				3	H: Comunidade of Dramapur. T: Inacio Sebastiao Francisco Ancito Alfonso.	140.00
				4	H: Comunidade of Dramapur. T: Dumelino Alfonso Ferrao.	120.00
				5	H: Comunidade of Dramapur. T: Inacio Sebastiao Francisco Ancito Alfonso.	90.00
				7	H: Comunidade of Dramapur. T: Dumelino Alfonso.	85.00

1	2	3	4	5	6	7
Salcete	Dramapur	137	10	H: Comunidade of Dramapur. T: Jose Manual Miranda.	85.00	
			11	H: Comunidade of Dramapur. T: Dumelino Alfonso Ferrao.	95.00	
			13	H: Comunidade of Dramapur. T: Inacio Sesbatiao Francisco Ancito Alfonso.	192.00	
			15	H: Comunidade of Dramapur. T: Jose Manual Miranda.	180.00	
			18	H: Comunidade of Dramapur. T: Victor Ferrao.	120.00	
			22	H: Comunidade of Dramapur. T: Deodita Fernandes.	120.00	
			25	H: Comunidade of Dramapur. T: Victor Ferrao.	90.00	
			26	H: Comunidade of Dramapur. T: Antonio Alfonso.	300.00	
			31	H: Comunidade of Dramapur. T: Filomena Gomendes.	140.00	
			35	H: Comunidade of Dramapur. T: Teoflена Pereira.	140.00	
			36	H: Comunidade of Dramapur. T: Filomena Rodrigues.	4.00	
			37	H: Comunidade of Dramapur. T: Filomena Gomendes.	140.00	
			38	H: Comunidade of Dramapur. T: Cristalina Rodrigues.	4.00	
			41	H: Comunidade of Dramapur. T: Filomena Rodrigues.	30.00	
			42	H: Comunidade of Dramapur. T: Teoflена Pereira.	95.00	
			43	H: Comunidade of Dramapur. T: Filomena Gomendes.	85.00	
			44	H: Comunidade of Dramapur. T: Cristalina Rodrigues.	45.00	
			45	H: Comunidade of Dramapur. T: Teoflina Pereira.	85.00	
		136	2	H: Comunidade of Dramapur.	15.00	
			3	H: Comunidade of Dramapur. T: Christalina Rodrigues.	50.00	
			4	H: Comunidade of Dramapur. T: Filomena Gomendes.	90.00	
			5	H: Comunidade of Dramapur. T: Leoplina Pereira.	74.00	
			6	H: Comunidade of Dramapur. T: Filomena Gomendes.	36.00	
			7	H: Comunidade of Dramapur. T: Piedade Rodrigues.	450.00	
			9	H: Effilano L. L. Brago Ferrao. Eplipolto T. Brago Ferrao.	625.00	
			11	H: Heriquita Ferrao. Michael X. Ferrao. Manual Xavier Ferrao.	220.00	
			12	H: Michal X. Ferrao. Manual Xavier Ferrao. Heriquita Ferrao.	380.00	
		128	1	H: Godinho.	368.00	
			3	H: Necessidade Afonso. Church Property. Godinho.	20.00	
			4	H: Church Property.	450.00	

1	2	3	4	5	6	7
			Nala			25.00
Salcete	Dramapur	212				
		119	1	H. Manual Alfonso.		460.00
		120	1	H. Manual Alfonso.		
				Boundaries:		
				North: Survey No. 141, Sub. Div. No. 25.		
				South: Village boundary of Sirlim.		
				East: Road.		
				West: Survey No. 140, Sub. Div. No. 56, 61, 64, 16, 69, 71, 78, 82, 84, 44, Survey No. 137 of Sub. Div. Nos. 1, 3, 4, 5, 7, 10, 11, 13, 15, 18, 22, 25, 26, 31, 35, 36, 38, 41, 44 Survey No. 136 Sub. Div. No. 2, 3, 5, 7, 9, 11, 12, Survey No. 128, Sub. Div. No. 1, 3, 4 and Nala.		
			2	H: Comunidade of Dramapur. T: Santana Silva.	3.00	
			2	H: Comunidade of Dramapur. T: Laurencio Afonso.	75.00	
			1	H: Comunidade of Dramapur. T: Salvasao Lacerd.	165.00	
			2	H: Comunidade of Dramapur. T: Dumelina Ferrao. Maria Eulanta Mendes.	62.00	
			3	H: Comunidade of Dramapur. T: Dumelina Ferrao.	57.00	
			4	H: Comunidade of Dramapur. T: Maria Eulauta Mendes.	57.00	
			5	H: Comunidade of Dramapur. T: Cristalina Rodrigues.	70.00	
			6	H: Comunidade of Dramapur. T: Bernado Conceicao Alfonso.	140.00	
			7	H: Comunidade of Dramapur. T: Dumelina Ferrao.	150.00	
			8	H: Comunidade of Dramapur. T: Inacio Sebastiao Francisco Aniceta Alfonso.	55.00	
			10	H: Comunidade of Dramapur. T: Domelina Alfonso Ferrao.	110.00	
			11	H: Comunidade of Dramapur. T: Dumelina Ferrao.	120.00	
			12	H: Comunidade of Dramapur. T: Inacio Sebastiao Francisco Aniceto Afonso.	120.00	
			14	H: Comunidade of Dramapur. T: Jose Manual Miranda.	180.00	
			15	H: Comunidade of Dramapur. T: Inacio Sebastiao Francisco Aniceto Afonso.	173.00	
			18	H: Comunidade of Dramapur. T: Victor Ferrao.	110.00	
			19	H: Comunidade of Dramapur. T: Deodita Fernandes.	183.00	
			20	H: Comunidade of Dramapur. T: Victor Ferrao. Sebastino Rodrigues.	2.00	
			25	H: Comunidade of Dramapur. T: Antonio Afonso.	290.00	
			26	H: Comunidade of Dramapur. T: Filomena Gomendes.	135.00	
			27	H: Comunidade of Dramapur. T: Theoflina Pereira.	105.00	
			28	H: Comunidade of Dramapur. T: Filomena Gomendes.	110.00	
			29	H: Comunidade of Dramapur. T: Theoflina Pereira.	315.00	

1	2	3	4	5	6	7
Salcete	Dramapur	120	31	H: Comunidade of Dramapur. T: Filomena Gomendes. Theofina Pereira.		212.00
			32	H: Comunidade of Dramapur. T: Theoflina Pereira.		150.00
			33	H: Piedade Rodrigues.		1050.00
			34	H: Manuel Xavier Ferrao.		560.00
		127	1	H: Chrispiano Merguilhao.		280.00
			2	H: Godinho.		80.00
			3	H: Church Property of Chinchinim.		458.00
				Boundaries:		
				North: Road.		
				South: Village Boundary of Sirlim.		
				East: Survey No. 119, Sub. Div. No. 1, 2 & 7, Survey No. 120, Sub. Div. No. 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, 18, 19, 20, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and Survey No. 127, Sub. Div. No. 1, 2 and 3.		
					Total	12,542.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 24th June, 1981.

Notification
No. 22/161/80-RD

Whereas by Government Notification No. 22/161/80-RD dated 22-1-81 published on page 672 of Series II, No. 45 of the Official Gazette, dated 5-2-81 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For construction of extension to the existing school building at Tambdi Curti, Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto

is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector (L.A.O.) Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector (Land Acquisition Officer), Panaji till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Curti	19	3 Part	O: Shri Anant Senai Kaisare. T: Shri Babli Krishna Gauda.	630.00
					Boundaries:	
					North: S. No. 19/3, 4. South: S. No. 19/4 & Road. East: S. No. 19/3 & Road. West: S. No. 19/4.	
					Total	630.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 21st July, 1981.

Public Health Department

Order

No. 5/158/80-PHD

On the recommendations of Union Public Service Commission and in consultation with the Government of India, the Lt. Governor of Goa, Daman and Diu is pleased to appoint Dr. Kamlakar Srivastava, Associate Professor of Radiology, JIPMER, Pondicherry to the post of Professor and Head, Department of Radiology, Goa Medical College, Panaji on an initial pay to be fixed according to rules in the pay scale of Rs. 1800-100-2000-125/2-2250 plus N. P. A. of Rs. 600/- p.m. with effect from the date of his joining, until further orders.

His appointment is subject to the terms and conditions mentioned in Government Memorandum of even number dated 19th May, 1981 and also subject to the verification of original Degree Certificates.

Dr. Srivastava has already been declared medically fit at the time of his initial appointment in Central Health Services, New Delhi.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sait, Under Secretary (Health).

Panaji, 8th July, 1981.

◆◆◆
Industries and Labour Department

Order

No. 28/2/79-ILD/2525

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 30th June, 1981.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Complaint No. IT/34/80

Shri Felix V. Rodrigues, represented by
Newspaper and Press Employees Union,
Betim, Bardez-Goa.

— Complainant

V/s.

Mr. Pandurang Timblo,
M/s. Timblo Publications,
Margao, Goa.

— Opposite Party

Complainant represented by Shri N. J. Rebello, Union Leader.

Panaji, Date: 8-6-81.

AWARD

This is a complaint filed by Shri Felix V. Rodrigues against the Opposite Party under section 33-A of the Industrial Disputes Act, 1947, hereinafter called the Act, alleging that, while reference No. 28/1, 79-ILD, dated 19-4-1980, was pending adjudication before this Tribunal, the Opponent, in gross violation of the provisions of the Act, has terminated the services of the Complainant, without seeking permission or approval of the authority before whom the dispute is pending adjudication.

2. It is his case that he was appointed by the Opponent as Sub-Editor of the Publication daily newspaper West Coast Times with express understanding that the appointment would be on permanent basis. After serving for sometime, the Opponent, without any notice, terminated his services. No

inquiry was held and no opportunity was afforded to the Complainant to explain his conduct, if there was any misconduct.

3. The Opponent was duly served, but did not remain present nor did he contest the proceedings. The case proceeded ex parte and the complainant led his own evidence and of one of his witnesses, Shri Anthony Fernandes.

In his statement, the complainant confirmed the contents of his complaint clarifying that he was working as Chief Sub-Editor of M/s. Timblo Publication, which are publishing the daily Newspaper "West Coast Times" from Margao; that he joined the said Establishment from 1-5-80 and his services were terminated, without assigning any reason, w.e.f. 5-8-80; that, before joining West Coast Times, he was working for about 30 years as a journalist in other Newspaper Presses, namely in Caravan at Delhi and Indian Express and that he was promised Rs. 1,200/- per month and paid only Rs. 600/-; that there is a reference bearing No. IT/31/80 pending before this Tribunal since 19-4-80 in connection with the termination of the Services of Kum. Yvette Silveira, another Sub-Editor of the same Newspaper Publication. The dispute regarding retrenchment of Kum. Silveira was raised by the Union on her behalf and also on behalf of the Complainant, who is a member of the Union and, therefore, concerned with the dispute.

4. The other witness, Shri Anthony Fernandes, has stated that he too was working as Sub-Editor in the West Coast Times for nearly one and half year and, in the same way, his services were terminated w.e.f. September, 1979, without any notice or memo. Similarly, the services of Kum. Yvette Silveira, C. I. Baptista and Mr. Bailour were also terminated on previous occasions, without assigning any reason. The services of the Complainant were also terminated by the Opponent without any reason.

6. The Complaint in this case has been filed under Section 33-A of the Act. The requirements of this Section r/w S.33 of the Act are:

- (i) There should be an industrial dispute pending and
- (ii) During the pendency of such dispute, there should be alteration of conditions of service of the workmen concerned in the dispute.

7. According to the Complainant in this case, the industrial dispute pending is the one bearing No. IT/31/80 between one Kum. Yvette Silveira, Sub-Editor of the same Newspaper Publication of the Opponent.

I have perused the said proceedings in which Kum. Silveira, sponsored by the Union, has raised a dispute because of wrongful termination of her services by the Opponent.

The terms of reference in this dispute read as follows:

"Whether the action of the management of M/s. Timblo Publications Pvt. Ltd., in retrenching from the services Kum. Yvette Silveira Trainee w.e.f. 1-1-1979 is legal and justified?"

If not, to what relief the said workman is entitled to?"

This dispute was referred to the Industrial Tribunal by Order dated 19-4-80 and is pending adjudication.

8. Proved that there is an industrial dispute pending, the next question that arises is as to whether the Complainant is a workman concerned in the dispute.

The Act has been made applicable to the Working Journalists under Section 3 of the Working Journalists and other Newspaper Employees (conditions of service) and Miscellaneous Act, 1955, hereinafter called the Working Journalists Act.

Section 2(f) of the Working Journalists Act defines the expression Working Journalists so as to include an editor, a leader, writer, news-editor, sub-editor, feature writer, copy-tester, reporter, correspondent, cartoonist, news-photographer and proof reader, but does not include any such person who —

- (i) is employed mainly in a managerial or administrative capacity, or
- (ii) being employed in a supervisory capacity, performs either by the nature of the duties attached to his office by reason of the powers vested in him, functions mainly of a managerial nature.

8.A The Complainant's contention that he was appointed as Chief Sub-Editor of the West Coast Times by the Opponent and that his services were terminated w.e.f. 5-6-80 without assigning any reason and without affording him any opportunity to explain his conduct has not been denied by the Opponent, who, chose not to contest the proceeding.

9. It is proved that the Industrial Dispute bearing No. IT/31/80 is pending adjudication by this Tribunal since 19-4-80 in which a similar issue connected with the termination of services of Kum. Yvette Silveira, another Sub-Editor of the Publication, is to be decided.

The Supreme Court ruling in New India Motor Transport Ltd., New Delhi V/s. K. T. Moris — 1961 LLJ, 551 is that all the workmen working in the Establishment who would be bound by the Award under Section 18 of the Act are to be deemed as concerned in the dispute. Section 18(d) makes it clear that the award binds on even those workmen who subsequently are employed in the Establishment, as is the case of the Complainant. Being so, the Complainant is to be

deemed as workman concerned in the industrial dispute IT/31/80, which is pending adjudication. The Opponent has terminated the services of the Complainant in violation of Section 33-A of the Act without seeking permission to pass such an order or approval of the same. Such order is bad in law and hence, I pass the following order:

ORDER

The order passed by the Opponent terminating the services of the Complainant as Sub-Editor of the Publication West Coast Times w.e.f. 5-8-80 is hereby set aside.

The Opponent is directed to reinstate him with full back wages.

Cost of Rs. 200/- to be paid by the Opponent to the Complainant.

(Dr. R. de Noronha)

Presiding Officer
Industrial Tribunal